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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,925	02/04/2002	Charles J. Truan	60,261-049	4351

27305 7590 07/15/2004

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EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,925

Applicant(s)

TRUAN ET AL.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-16 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. (USPN 6457268) in view of Hahka (USPN 6193261).

Perry et al. teaches a bucket attachment comprising a housing (36), a metal tool (66) supported by the metal housing, at least one mounting bracket (46) connected to the housing and at least one mounting arm (first embodiment 40, second embodiment 100) having a first and second end wherein the first end is connected to the bracket. Perry's mounting arm is connected to the bucket by means of nuts and bolts. In the second embodiment (figure 5) the mounting arms comprises a Z-shape. There is additionally a step (44, 46) extending from the housing.

Perry teaches all the essential elements of the claimed invention however fails to teach a quick release mechanism with a biasing member to remove the tool from the bucket. Hahka teaches a quick release hitch pin comprising a biasing member (34). The quick release connector further includes a support (42), which would extend from the mounting arm. The support and the mounting arms have holes therein that are co-linear. The connector further comprises a pin (28) that extends through the holes. The biasing member urges the pin through the holes. Additionally, there is a stop (50) that is rotatable between a locked position and an unlocked

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position. The stop includes a flat portion (54) and a leg portion (50). There is a handle (18), which rotates the stop between the locked and unlocked positions.

Hahka and Perry are analogous art because they both teach a means to connect two elements together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hahka's quick release mechanism in place of Perry's nut and bolt connection so as to allow the hitch or utility tool to be disconnected quickly from the bucket without the use of any separate tools such as a wrench. Perry's nut and bolt connection and Hahka's quick release connection are considered to be equivalent structures in the art since they both are fastening/connecting means. Therefore, because these two fastening means were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the quick release connection for the nut and bolt connection.

Claims 1-8, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Schalscha (USPN 5775013) in view of Hahka (USPN 6193261).

Von Schalscha teaches an attachment for a bucket comprising a metal housing (20), a metal utility tool (21) supported by the housing and a mounting bracket (54) connected to the housing. There is a mounting arm (44) having a first end and a second end, wherein the first end is connected to the bracket. A quick release (50) connector is mounted to the second end of the arm for securing the housing to the bucket. Additionally, there is a step (90) attached to the housing. The mounting bracket further includes attachment points (86, figure 8) for allowing the mounting arm to attach to the housing such that the mounting arm can accommodate buckets of different dimensions.

Von Schalscha teaches all the essential elements of the claimed invention however fail to teach a biased pin quick release mechanism with a support extending from the mounting arms having a support hole and the mounting arm having an arm hole, wherein the holes are co-linear. Hahka teaches a quick release hitch pin comprising a biasing member (34). The quick release connector further includes a support (42), which would extend from the mounting arm. The support and the mounting arms have holes therein that are co-linear. The connector further comprises a pin (28) that extends through the holes. The biasing member urges the pin through the holes. Additionally, there is a stop (50) that is rotatable between a locked position and an unlocked position. The stop includes a flat portion (54) and a leg portion (50). There is a handle (18), which rotates the stop between the locked and unlocked positions.

Hahka and Von Schalscha are analogous art because they both teach a means to connect two elements together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hahka's biased pin quick release mechanism in place of Von Schalscha's quick release mechanism so as to allow the hitch or utility tool to be disconnected quickly from the bucket without having any loose parts such as Von Schalscha's pin (52). Von Schalscha's quick release connection and Hahka's biased pin quick release connection are considered to be equivalent structures in the art since they both are fastening/connecting means. Therefore, because these two fastening means were art-recognized equivalents at the time of the invention was made one of ordinary skill in the art would have found it obvious to substitute the biased pin quick release connection for the quick release of Von Schalscha. To modify Von Schalscha's invention, the quick release mechanism as taught by Hahka would replace the pin (85) of Von Schalscha and fit into the existing arm hole.

Claims 1-7, 13-14, 16-17 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (USPN 5621940) in view of Hahka.

Lewis teaches a vehicle mounted push broom comprising a housing (2), a mounting bracket (3) and mounting arms connected to the mounting bracket. The housing comprises C-shaped channels (4) for receiving a brush section (7). The brush sections include a T-section (5) securing a plurality of bristles such that the T-section engages the C-shaped channel. The bristles are comprised of a plastic polypropylene material. Lewis teaches that the broom may be attached to a bucket (figure 6) however it is attached by means of chains and hooks. Additionally, there is a step (1) that is attached to the housing.

Hahka and Lewis are analogous art because they both teach a means to connect two elements together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hahka's quick release mechanism in place of Lewis' chains so as to allow the hitch or broom to be disconnected quickly from the bucket without having any loose parts such as excess chains. Lewis' chains and Hahka's quick release connection are considered to be equivalent structures in the art since they both are fastening/connecting means. Therefore, because these two fastening means were art-recognized equivalents at the time of the invention was made one of ordinary skill in the art would have found it obvious to substitute the quick release connection for the chain attachment of Lewis.

Allowable Subject Matter

Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 9 includes the limitation that there is a spreader bar extending between the mounting arms such that the spreader bar is extendable for allowing the mounting arms to engage the different attachment points of the mounting brackets. Plourde (USPN 527375) teaches a trench paving device comprising a spreader bar to allow the tool to be adjustable to different sizes. While Plourde teaches a spreader bar, the reference fails to teach attachment points that would allow the mounting arms to attach to the housing in other places to accommodate buckets of different dimensions. Nor does Plourde teach a biased pin quick release connector comprising a support having a hole that extends from the arm, which also has a hole and wherein the holes are co-linear. The other references used all fail to teach or suggest a spreader bar. Therefore it would not have been obvious to combine references to achieve the claimed invention since the modification that would be necessary would destroy the original invention.

Applicant's Arguments

1. Von Schalscha does not disclose a biasing device on the quick release connector urging the pin outwardly.
2. Webb does not disclose a biasing device on the quick release connector urging the pin outwardly.
3. Plourde does not disclose a biasing device on the quick release connector urging the pin outwardly.
4. Perry does not disclose a biasing device on the quick release connector urging the pin outwardly.

Response to Arguments

Applicant's arguments, see 1-3 above, have been fully considered and are persuasive.

The 102 rejections of Von Schalscha, Webb and Plourde have been withdrawn.

While Von Schalscha and Perry do not teach the claimed quick release the rejection still stands for the references in combination with Hahka. Since it is a matter of substituting one connection element for another, where all the connection elements achieve the same goal of fastening two elements together, the 103 rejections still stands.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

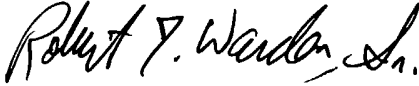
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
7/13/04


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